

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5964

IN THE MATTER OF:

Served August 15, 2000

DOUBLE DECKER BUS TOURS W.D.C.,)
INC., Trading as DOUBLE DECKER BUS)
WASHINGTON, D.C., Order to Show)
Cause Why Certificate No. 314)
Should Not be Revoked)

Case No. MP-2000-26

This proceeding is instituted pursuant to Title II of the Compact, Article XI, Section 10(c), and Article XIII, Section 3(a), for the purpose of determining whether Certificate of Authority No. 314 should be revoked for the willful and repeated failure of Double Decker Bus Tours W.D.C., Inc., trading as Double Decker Bus Washington, D.C., to comply with the Commission's insurance regulations.

Article XI, Section 7(f), of the Compact directs each person holding a certificate of authority to comply with the Commission's insurance regulations. Commission Regulation No. 58-01 requires each carrier to maintain on file with the Commission an effective WMATC Certificate of Insurance and Policy Endorsement.

The primary certificate of insurance on file for respondent was cancelled on June 1, 2000, effective 12:01 a.m. on July 15, 2000. Respondent did not file a replacement certificate until the afternoon of July 20, 2000. This meant that applicant was out of compliance with Regulation No. 58-01 for more than five days.

Under Title II of the Compact, Article XI, Section 7(g), and Commission Regulation No. 58-02, a carrier's certificate of authority is invalid and automatically suspended for as long as the carrier remains out of compliance with the Commission's insurance requirements.

This marks the sixth time respondent has allowed its certificate of insurance to lapse before replacing it and, hence, the sixth time Certificate of Authority No. 314 has become invalid and automatically suspended.

The first suspension occurred November 24, 1995,¹ while applicant was on probation.² Although the failure to maintain a valid insurance certificate did not violate the terms of respondent's

¹ In re Double Decker Bus Tours W.D.C., Inc., t/a Double Decker Bus Washington, D.C., No. MP-95-84, Order No. 4702 (Nov. 27, 1995).

² See In re Double Decker Bus Tours, W.D.C., Inc., No. AP-95-21, Order No. 4730 (Jan. 4, 1996) (prescribing one-year probation commencing October 12, 1995).

probation, the suspension lasted six days³ and, as we now see, was a harbinger of what was to become a routine occurrence.

Commission records show: (1) the second suspension began November 27, 1996, and lasted six days; (2) the third suspension began September 28, 1997, and lasted thirty-three days; (3) the fourth suspension began September 28, 1998, and lasted seventy-one days; and (4) the fifth suspension began September 28, 1999, and lasted ten days.

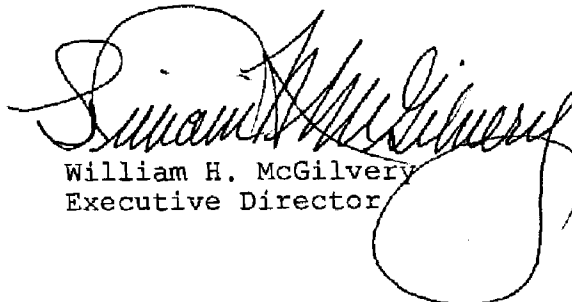
The fourth suspension also resulted in revocation of Certificate No. 314.⁴ We subsequently reopened the revocation proceeding and reinstated respondent's authority⁵ -- an accommodation to respondent that anticipated respondent would find having its operating authority revoked sufficiently cautionary as to stem respondent's recidivism. Obviously, the desired effect was not achieved.

Respondent shall have thirty days to show cause why Certificate No. 314 should not be revoked for respondent's repeated violations of the Commission's insurance regulations.

THEREFORE, IT IS ORDERED:

1. That respondent is made a party to this proceeding.
2. That respondent shall have 30 days from the date of this order to show cause why Certificate of Authority No. 314 should not be revoked.
3. That respondent shall have 15 days from the date of this order to file a request for oral hearing showing good cause for such a hearing, including a description of the evidence to be adduced and an explanation of why it cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:


William H. McGilver
Executive Director

³ See In re Double Decker Bus Tours W.D.C., Inc., t/a Double Decker Bus Washington, D.C., No. MP-95-84, Order No. 4711 (Nov. 30, 1995) (lifting suspension).

⁴ In re Double Decker Bus Tours W.D.C., Inc., t/a Double Decker Bus Washington, D.C., No. MP-98-55, Order No. 5460 (Nov. 20, 1998).

⁵ No. MP-98-55, Order No. 5483 (Dec. 8, 1998).

⁶ See In re Suburban Transit Co., No. 317, Order No. 1878 (Sept. 11, 1978) (authority revoked in part for repeated insurance lapses).